



Cir. 1983).

In light of this standard, the Court has carefully reviewed the Magistrate's Report and the record in this case. This Court concludes that the Report accurately summarizes this case and the applicable law and that summary judgment is proper. Therefore, it is hereby **ORDERED** that the Magistrate Judge's Report is **ACCEPTED** (Doc. # 70), and that the Defendants' motion to dismiss is **GRANTED IN PART AND DENIED IN PART** (Doc. # 59).

**IT IS SO ORDERED.**

S/ Terry L. Wooten  
**TERRY L. WOOTEN**  
**UNITED STATES DISTRICT JUDGE**

March 20, 2009  
Florence, South Carolina